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January 17, 2003

VIA HAND DELIVERY

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Request for Additional Information Pursuant to CERCLA
104(e) Lower Darby Creek Area Superfund Site, Clearview
Landfill, Folcroft Landfill, and Folcroft Landfill Annex.

Dear Ms. Prisk:

As you know, this firm represents the General Electric Company ("GE") with respect to the above matter. This letter is in response to the United States Environmental Protection Agency's ("USEPA") above-referenced Request for Additional Information ("Request") from Joan Armstrong dated December 20, 2002, addressed to me on GE's behalf. The Request contained an unusually short and burdensome time limit to respond of fifteen calendar days of receipt, particularly given the holidays. Because you, Brian Nishitani, and Joan Armstrong were on vacation, I contacted Neil Wise of the USEPA's Region III office, who agreed to a two-week extension of time for GE to respond, until January 20, 2003.

To answer your Request, I interviewed Richard Conway, a GE employee, at GE's plant located at 6901 Elmwood Avenue in Philadelphia on January 8, 2003. The interview included both a discussion that addressed the eight questions submitted by the USEPA and a drive during which Mr. Conway directed me to the exact location on which he recalled the GE truck disposed of the Elmwood Avenue facility's waste.

DSD:35592.1/GEN105-156649

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This response is made subject to, and without waiver of, the objections raised in GE's September 6, 2001 response regarding the Lower Darby Creek Area Superfund Site. Notwithstanding the preceding objections, however, GE has undertaken a diligent effort to provide a complete response to this Request. If you have any questions regarding GE's response, please address them to me.

Please note that GE has reviewed this response and authorized me to submit it on its behalf. Please also note that, as mentioned in previous correspondence, GE is in the process of preparing a supplemental response to the USEPA's original 104(e) request. We will provide that supplemental response when completed.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Miano', with a long horizontal flourish extending to the right.

Steven T. Miano

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

SM/sw

Attachments

cc: William Feltovic, Esquire, GE Industrial Systems.
Brian Nishitani, Esquire, USEPA Region III

RESPONSE OF GENERAL ELECTRIC COMPANY TO REQUEST FOR ADDITIONAL INFORMATION REGARDING THE CLEARVIEW LANDFILL

In order to respond to this request, Steven T. Miano, on behalf of General Electric ("GE"), interviewed Richard Conway, a GE employee, at GE's plant located at 6901 Elmwood Avenue in Philadelphia on January 8, 2003. The interview included both a discussion that addressed the eight questions submitted by the United States Environmental Protection Agency ("USEPA") and a drive during which Mr. Conway directed Mr. Miano to the exact location on which he recalled the GE truck emptied the Elmwood Avenue facility's waste.

- 1. On November 13, 2001, Mr. Conway indicated that from 1966 to approximately 1970, he assisted a dump truck driver in hauling waste from GE's Elmwood Avenue facility to the Clearview Landfill. Mr. Conway further indicated that the dump truck entered the landfill from Hook Road and drove to a spot approximately 100 feet south of Darby Creek. Although Mr. Conway stated that the disposal location was south of Darby Creek he marked a spot on the Site sketch to the west of Darby Creek. Please clarify the disposal location of GE's waste in relation to Darby Creek.**

GE's Response:

GE's response to this question is made subject to, and without waiver of, the objections raised in GE's September 6, 2001 response regarding the Lower Darby Creek Area Superfund Site.

Mr. Conway very clearly recalls that in order to access the area ("the area") onto which the GE truck emptied the Elmwood Avenue plant's waste, the GE truck traveled down Lindbergh Boulevard, made a right turn onto 84th Street heading Northwest, crossed over the 84th Street Bridge (which then and now spans the Darby Creek), and made a right turn immediately after the bridge, and just before the adjacent cemetery, into an area that Mr. Conway only knew as "the dump." Mr. Conway does not recall traveling too far into the area, but rather quickly backing in, lifting the tarp, disposing the waste at a location near the western banks of the Darby Creek, and exiting the area. Mr. Conway recalls that Darby Creek was almost a small river and that the area on which the GE truck emptied the plant's waste was located between the Darby Creek and the adjacent cemetery.

- 2. Aerial photographs from 1965 (Figure 6) and 1971 (Figure 7) show no evidence of either an entrance from Hook Road (highlighted yellow) or disposal in the area indicated by Mr. Conway in his November 13, 2001 interview (attached). Rather, aerial photographs reveal that disposal in the indicated location began after 1975 when both an entrance from Hook Road and disposal activity are visible. This activity can be seen most clearly in the 1979 aerial photograph (Figure 10). Please specify the years during which Mr. Conway actually disposed of GE's waste at the Clearview Landfill.**

GE's Response:

GE's response to this question is made subject to, and without waiver of, the objections raised in GE's September 6, 2001 response regarding the Lower Darby Creek Area Superfund Site.

Mr. Conway's employment at the plant began on October 10, 1966. Mr. Conway was initially assigned to work in the Salvage Department, where his duties involved metals salvaging operations. Although Mr. Conway was not permanently assigned to helping dispose of the plant's waste, as a new employee, he was often asked to lend a hand in helping to load the dump truck for about the first nine or ten months that he was employed at the plant. After loading the plant's waste into the dump truck, Mr. Conway would also help secure a tarp over the trash. If it would have been difficult to remove the tarp from the truck because of large wooden pallets, Mr. Conway would accompany the truck driver to the area on the western side of the Darby Creek as described above in response to question #1. Mr. Conway recalls traveling to the area with the truck as little as once a week and sometimes as much as a couple of times per day. Although there were probably additional drivers, the only truck driver with whom Mr. Conway traveled to the area was Taus "Lucky" Pritchard, who we have learned is likely deceased.

Within a year of starting to work at the plant, Mr. Conway was reassigned from the Salvage Department to working with the plant's internal railroad system. He remembers returning to the area in which the dump truck was loaded about once a month, although not to load waste. Thus, Mr. Conway's duties in assisting the GE dump truck driver in hauling waste from GE's Elmwood Avenue facility to the area began on October 10, 1966 and ended sometime in the summer of 1967. Mr. Conway does not recall who took over his duties to help load the dump truck once he moved onto other positions at the plant.

Mr. Conway recalls that the area on the western side of the Darby Creek where the GE truck emptied its waste was very muddy with no discernible road onto which the GE truck entered the area. There was also no clearly evident receptacle in the ground into which the waste was meant to be emptied nor actual landfill in the area; only a plot of ground onto which the waste was emptied. In fact, Mr. Conway wondered whether the location might have been a staging area.

Mr. Conway does not recall observing much activity in and around the area, other than a bulldozer. The GE truck was the only truck that Mr. Conway observed emptying waste at the area. Also, Mr. Conway very clearly does not recall ever seeing anyone working at the area or coordinating where the waste was emptied or what type of waste was emptied. He does not recall any gate, guard house or structure at or near the area and never saw anyone record the disposal activity. Mr. Conway stated that it was not until recently that he learned that there was apparently a landfill located on the eastern side of Darby Creek. At the time he was traveling to the area with the GE truck, he only recalled seeing brush on either side of Darby Creek.

3. **Aerial photographs show that some landfill activity was occurring in and prior to 1971 (Figure 7) on the west side of the Darby Creek at the southern end of the Site next to Hook Road (highlighted yellow). Did Mr. Conway dispose of GE's waste in this location during the years 1966 to 1970?**

GE's Response:

GE's response to this question is made subject to, and without waiver of, the objections raised in GE's September 6, 2001 response regarding the Lower Darby Creek Area Superfund Site.

As stated in Mr. Conway's description in GE's response to question #1, Mr. Conway recalls that the GE dump truck emptied the plant's waste in an area located just adjacent to the northern edge of Hook Road, immediately to the right of the 84th Street Bridge. Within this area, Mr. Conway recalls that GE's waste was emptied very near the banks of the Darby Creek. Thus, although the area of fill that is visible on the aerial map marked as Figure 7 is in the general vicinity of where Mr. Conway recalls emptying GE's waste, his description locates the disposal area as closer to the banks of the Darby Creek and closer to the northern edge of Hook Road.

4. **Aerial photographs (Figures 6 and 7) further reveal the presence of a smaller creek, flowing along the eastern edge of the Site and rejoining Darby Creek in the Southeastern corner of the Site (highlighted pink). This creek was apparently filled in over time as part of the operations of the Clearview Landfill. Extensive landfilling activity is visible in 1965 to the west of this smaller creek and is in the same approximate area in relation to the smaller creek as the disposal activity described by Mr. Conway is in relation to Darby Creek. In light of the information provided above regarding the years of actual disposal activity in the area described by Mr. Conway, is it possible that between 1966 and 1970 Mr. Conway actually disposed of GE's waste on the Clearview Landfill to the west of the smaller creek?**

GE's Response:

GE's response to this question is made subject to, and without waiver of, the objections raised in GE's September 6, 2001 response regarding the Lower Darby Creek Area Superfund Site.

Mr. Conway vividly and without hesitation recalls that the GE dump truck crossed over the 84th Street Bridge (which then and now spans the Darby Creek) and made a right turn immediately after the bridge, and just before the adjacent cemetery, into "the dump." Also, Mr. Conway specifically recalls that the creek, which he described as almost a small river, was to the east of the area at which he recalled disposing the waste. Mr. Conway clearly remembers that the location that the truck disposed of the plant's waste was located between the creek and the cemetery.

Therefore, based upon Mr. Conway's detailed recollection of crossing the 84th Street bridge and his description of the size of the creek being that of almost a small river, it seems highly unlikely that Mr. Conway is mistaken and that the GE truck actually emptied its waste at an area located on the eastern side of the Darby Creek, adjacent to what appears to have been a very small creek.

5. ***In the November 13, 2001 interview, Mr. Conway indicated that he observed bulldozers operating on the landfill to cover waste. Did Mr. Conway observe this bulldozing activity to the east of Darby Creek (i.e., across Darby Creek on the property currently referred to as the Clearview Landfill), or was such bulldozing activity taking place in the area previously described by Mr. Conway and marked on the Site sketch as west of Darby Creek?***

GE's Response:

GE's response to this question is made subject to, and without waiver of, the objections raised in GE's September 6, 2001 response regarding the Lower Darby Creek Area Superfund Site.

Mr. Conway clearly recalls that the bulldozing activity that he previously described in his November 13, 2001 interview with the USEPA occurred in the area that he marked on the Site sketch as west of Darby Creek. At the time he was traveling to the area with the GE truck, he only recalled seeing brush on either side of the creek.

6. ***Was the disposal location previously described by Mr. Conway and marked on the Site sketch as west of the Darby Creek part of the Clearview Landfill operations? On what facts or recollections does Mr. Conway base this conclusion?***

GE's Response:

GE's response to this question is made subject to, and without waiver of, the objections raised in GE's September 6, 2001 response regarding the Lower Darby Creek Area Superfund Site.

As stated in GE's response to question #2, it was not until recently that Mr. Conway learned that there was a landfill located on the eastern side of Darby Creek. At the time he was traveling to the area with the GE truck, Mr. Conway recalls observing only brush on either side of the Darby Creek. Mr. Conway does not recall observing much activity on either side of Darby Creek, other than the bulldozing operations on the western side of the creek. The GE truck was the only truck that Mr. Conway recalls emptying its waste in the area.

As further described in GE's response to question #2, Mr. Conway described the area as very muddy with no discernible road onto which the GE truck entered the area. There was also no clearly evident receptacle into which the GE truck emptied its waste or actual landfill there; only a plot of ground on which the waste emptied. Mr. Conway in fact wondered whether the location might have been a staging area. Mr. Conway only knew the disposal location as "the dump" and does not recall having heard of the names Clearview, Hellers, Folcroft, or McNichols at the time.

Consequently, based upon the above facts and recollections, Mr. Conway does not know whether or not the area at which the GE truck emptied its waste was in fact a landfill or staging area, nor whether this landfill or staging area was part of what he has recently learned was a landfill operation located on the eastern side of the Darby Creek.

- 7. Did Mr. Conway ever have any interactions with any individual(s) at the Site? Please name and describe the nature of the interaction which any such person(s).**

GE's Response:

GE's response to this question is made subject to, and without waiver of, the objections raised in GE's September 6, 2001 response regarding the Lower Darby Creek Area Superfund Site.

As described in GE's response to question #2, Mr. Conway does not recall observing much activity in and around the area at which the GE truck emptied its waste, other than a bulldozer. The GE truck was the only truck that Mr. Conway observed emptying waste at the area. Also, Mr. Conway very clearly did not recall ever seeing anyone working at the area or coordinating where the waste was emptied or what type of waste was emptied. He does not recall any gate, guard house or structure there and never observed anyone record the disposal activity. Consequently, Mr. Conway never had any interactions with any individual(s) at the Site.

- 8. Please highlight the entrance route and disposal location of GE's waste on the enclosed aerial photograph of the Site (Enclosure G).**

GE's Response:

GE's response to this question is made subject to, and without waiver of, the objections raised in GE's September 6, 2001 response regarding the Lower Darby Creek Area Superfund Site.

Please see the attached Enclosure G. Mr. Conway marked the disposal location with a red marker. The entrance route was as described in GE's response to question #1.

Enclosure G



LOWER DARBY CREEK AREA SUPERFUND SITE Primary Investigation Areas - Clearview and Folcroft Landfills

Compiled from PASDA digital files (where possible) and USEPA documents including:
 1988 Pennsylvania RI - PA USOB Digital Ortho-Graphic Quad (for historical context) (PASDA)
 Stream Characterization & Environmental Resources Research Institute - Harrisburg, PA 1988 (PASDA)
 Landfill Locations - United States Environmental Protection Agency Documents

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APPROXIMATE SCALE				
1 inch = 250 Feet	0.1	0.2	0.3	0.4 Miles
500	0	500	1000	1500 2000 Feet

PHOTOGRAPH BY TETRA TECH, INC. 1998



Attorneys and Counselors Since 1903

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